



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/077,029      | 05/18/1998  | MUTSUMI KIMURA       | JAO40499            | 5555             |

25944 7590 10/09/2009

OLIFF & BERRIDGE, PLC  
P.O. BOX 320850  
ALEXANDRIA, VA 22320-4850

|          |
|----------|
| EXAMINER |
|----------|

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

DATE MAILED: 10/09/2009

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
| 09077029                        | 5/18/1998   | KIMURA ET AL.                                     | JAO40499            |

OLIFF & BERRIDGE, PLC  
P.O. BOX 320850  
ALEXANDRIA, VA 22320-4850

**EXAMINER**

Jimmy Lin

| ART UNIT | PAPER |
|----------|-------|
|----------|-------|

|      |          |
|------|----------|
| 1792 | 20091001 |
|------|----------|

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

Newly submitted claims 131-136 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the newly submitted claims do not require enhancing liquid repellency or enhancing liquid affinity as required in the claims filed 2/20/2009 while additionally requiring an inkjet method that was not required in the previous claims. Thus, the newly submitted claims 131-136 are patentably distinct from the previous claims.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 131-136 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The amendment filed on 7/29/2009 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the claims are patentably distinct from the previously submitted claims for the reasons discussed above.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

/Timothy H Meeks/  
Supervisory Patent Examiner, Art Unit 1792

/Jimmy Lin/  
Examiner, Art Unit 1792